

REMARKS

Claims 1-19 are pending in the application. In the Office Action mailed August 25, 2005, claims 12-14 and 19 are subject to restriction and withdrawn from consideration as being directed to a nonelected invention. The drawings are objected to under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. Claims 7-9 and 17 are rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. Claims 1, 4, and 7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,880,417 (Yabrov et al, hereinafter "Yabrov"). Claims 2-3, 5-6, 8-11, and 15-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Yabrov in view of U.S. Pat. No. 5,665,081 (Grosse).

The Applicant thanks the Examiner for the interview of December 23, 2005, which was extremely helpful to the Applicant in framing this response. The Applicant particularly thanks the Examiner for taking the time during the interview and in the August 25 Office Action to explain in detail her positions regarding the scope of the search performed and her interpretation of the references and the Applicant's claim language.

I. Restriction Requirement

Claims 12-14 and 19 are subject to restriction and withdrawn from consideration as being directed to a nonelected invention because of the scope of the initial search. Claim 12 has now been cancelled. The Examiner has helpfully explained that she views the article of claims 12-14 and 19 as a separate species from the invention initially searched, being a pad with a second end that extends to cover the genital region as opposed to the original species, a pad with a second end that stops short of the genital region.

As discussed with the Examiner, the Applicant instead views the extension on the second end of the article as an additional feature that is added onto the second end of the searched embodiment in order that the genital region might also be covered. Rather than being a separate independent embodiment, the embodiment claimed in each of claims 13, 14, and 19 is simply the searched embodiment with a particular added element, a genital region extension. The Applicant

has intended to indicate this secondary relationship by calling out this feature in a claim that is in each case dependent on the independent claim to the originally searched embodiment, as opposed to presenting an independent claim to an article with an extended second end. In order to clarify the Applicant's position regarding this additional feature, the Applicant has amended claims 13, 14, and 19 to use the term "on" instead of the term "of". Withdrawal of the restriction requirement and allowance of claims 13, 14, and 19, as amended, is therefore respectfully requested. If the Examiner does not withdraw the restriction requirement, the Applicant intends to pursue the restricted claims in a divisional application.

II. Objections to the Drawings and Specification

The drawings are objected to under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. Specifically, the claimed disposable panty was not shown in the drawings or discussed in the specification.

The Applicant has submitted a new drawing sheet with a new Fig. 9 that shows the invention within a disposable panty and has amended the specification to describe the same. These amendments are supported by original claims 7-9, which claimed a "disposable panty". No new matter has been added by these amendments. Entry of the amendments and withdrawal of the objections to the Drawings and Specification, as amended, is respectfully requested.

III. Rejections under 35 U.S.C. 112, first paragraph

Claims 7-9 and 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement because the attached disposable panty is not described in the specification. Claim 7 has been canceled. The Applicant has submitted a new drawing sheet with a new Fig. 9 that shows the invention within a disposable panty and has amended the specification to describe the same. These amendments are supported by original claims 7-9, which claimed a "disposable panty". No new matter has been added by these amendments. Withdrawal of the rejections under 35 U.S.C. 112, first paragraph, of claims 8, 9 and 17 is therefore respectfully requested.

IV. Rejections under 35 U.S.C. 103(a)

Claims 1, 4, and 7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,880,417 (Yabrov et al, hereinafter "Yabrov"). The Applicant has cancelled claim 1 and its dependent claims 4, 7, and 12 from the present application, without prejudice, solely in order to obtain quicker allowance of claims to the Applicant's preferred embodiments. The Applicant expressly reserves the right to pursue all cancelled claims in one or more continuation or divisional applications.

Claims 2-3, 5-6, 8-11, and 15-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Yabrov in view of U.S. Pat. No. 5,665,081 (Grosse). The Applicant respectfully traverses the Examiner's rejection. The Applicant has amended claims 2, 10, 11, 15, and 18 in order to more particularly point out and claim the novel shape of the Applicant's preferred embodiments. Support for these amendments occurs throughout the specification and drawings, including at least at page 6, lines 8-10, page 7, lines 16-18, and page 8, lines 20-22 of the specification and in Figs. 1 and 4. The articles of independent claims 2 and 15, as amended, are not shown in the art of record nor in any other prior art, nor are they obvious over Yabrov in view of Grosse or any other prior art. Allowance of claims 2 and 15, as amended, is therefore respectfully requested.

Because claims 3, 5-6, 8-11, 13, and 14 depend from currently amended independent claim 2, which is now in condition for allowance, claims 3, 5-6, 8-11, 13, and 14 are also now in condition for allowance. Allowance of claims 3, 5-6, 8-11, 13, and 14 is therefore also respectfully requested. Because claims 16-19 depend from currently amended independent claim 15, which is now in condition for allowance, claims 16-19 are also now in condition for allowance. Allowance of claims 16-19 is therefore also respectfully requested.

V. New Claim

The Applicant has added new dependent claim 20 in order to claim an optional feature of the present invention. Support for claim 20 is found in the specification at least at page 9, lines 8-16 and in Figs 1-3. No new matter is presented by this new claim. Entry and allowance of new claim 20 is therefore respectfully requested.

VI. Conclusion

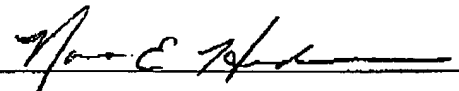
Claims 1, 4, 7, and 12 have been cancelled. Claims 2, 10, 11, 13-15, and 18-19 have been amended. New claim 20 has been added. The Applicant respectfully submits that claims 2, 3, 5, 6, 8-11, and 13-20 are now in condition for allowance. For this reason, and in view of the foregoing arguments, the Applicant believes that this application is now in condition for allowance, which action is respectfully requested. Should there remain any unresolved issues, it is respectfully requested that the Examiner telephone Norma E. Henderson, Applicant's Attorney, at 603-225-4334, so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

Hinckley, Allen & Snyder LLP

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Date

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